IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JODHPUR.

O R D E R

Sumer Singh. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 115/2005
against the order dated 7-1-2005 passed
by the Addl. Sessions Judge No.3, Jodhpur,
in Criminal Revision No. 41/2004.

...

Date of Order: September 15, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Ranjeet Joshi, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.
Mr. B.K. Mehar, for the non-petitioner No.2.

BY THE COURT:

This criminal miscellaneous petition under Section 482 Cr.P.C. is directed against the order dated 7-1-2005 passed by the Additional Sessions Judge No.3, Jodhpur (for short, "the Revisional Court" hereinafter) in Criminal Revision No. 41/2004, whereby the revision petition filed by the non-petitioner No.2 against the order dated 21-7-2004 passed by the Additional Chief Judicial Magistrate No.3, Jodhpur (for short, "the trial Court" hereinafter), was allowed and the order of the trial Court was set aside and the car bearing registration No. RJ.19T-2443 was directed to be released on interim custody to the non-

petitioner No.2.

I have heard learned counsel for the parties and carefully gone through the orders passed by the trial Court as well as the Revisional Court.

The Revisional Court noticed that in the application under Section 457 Cr.P.C. filed by the petitioner, the petitioner himself stated that the said car was sold by him to Radhey Shyam on 8-1-2004 and he received a sum of Rs.45,000/- as cash and Rs.1,50,000/- by a cheque. The Revisional Court observed that from the admission of the petitioner himself, it is clear that the petitioner sold the car to Radhey Shyam for valuable consideration on 8-1-2004 and, therefore, the petitioner is not entitled for the interim custody of the car. The car was recovered from the non-petitioner No.2. In this view of the matter, in my view, the order impugned passed by the Revisional Court is perfectly in accordance with law. No case for interference is made out.

The criminal miscellaneous petition is dismissed. The stay petition also stands dismissed.

(H.R. PANWAR), J.

mcs